

CHAPTER XXX.

An Act to amend chapter four of the Special Laws of one thousand eight hundred and fifty-eight, entitled "An Act to incorporate the town of Brownsville," and to organize a Board of Education for the village of Brownsville.

March 2, 1868.

- SECTION 1. Amendment to Chapter 4, Special Laws of 1858. Incorporation of the Village of Brownsville.
2. Boundary lines of said Village.
 3. In whom management of said Village vested.
 4. Elective officers—when election to be held—terms of office.
 5. Vacancies how filled.
 6. When polls to be opened and closed—how elections conducted.
 7. What to constitute an election district—who to be judges of election.
 8. Who constituted electors.
 9. Who to be judges of election of said village—vacancy, how filled.
 10. When officers to enter upon the duties of their office.
 11. When office deemed vacant.
 12. When special election may be held.
 13. Officers elect to take an oath for faithful performance of duties.
 14. What officers to give bonds.
 15. All justices of the peace to take an oath to support the constitution of the U. S. and of this State—also to give bonds conditioned for faithful performance of duties.
 16. The President and Recorder to be Trustees of said Village—what to constitute the Council—duties of President.
 17. Council to fix time and place of meetings—to keep journal of their proceedings.
 18. Establishment of a Police Court—jurisdiction of said Court—fees.
 19. Duties of Marshal—fees.
 20. Duties of Treasurer.
 21. Duties of Recorder.
 22. By whom duties of all officers prescribed.
 23. Any person refusing to deliver to successor in office all property, books, &c. shall forfeit and pay to said village the sum of \$100.
 24. Style of all ordinances—quorum.
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26. Tax may be levied and collected for improvement on streets and sidewalks.
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45. Said Village to be constituted one school district.
46. Election of Board of Education.
47. Required to subscribe an oath conditioned for faithful performance of duties—when.
48. Powers of Board of Education.
49. To have full control of all the public schools.
50. When to hold annual election of officers—quorum.
51. Who to be Clerk of the Board.
52. Who to be Treasurer of the Board.
53. How money may be drawn from the Treasurer of said district.
54. Special school taxes may be levied.
55. Repeal of inconsistent acts.
56. To be considered a public act—when act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That chapter four (4), of the special laws of one thousand eight hundred and fifty-eight, being an act entitled “an act to incorporate the town of Brownsville” be and the same is hereby amended so as to read as follows:

Brownsville Village incorporated.

SEC. 1. All that part of the township of Brownsville, in the county of Houston, state of Minnesota, contained in the limits and boundaries hereinafter described, shall be and constitute a village and shall be separate and apart in all respects and for all purposes from the aforesaid township of Brownsville, except for general election purposes, and the inhabitants residing or who may reside within the limits aforesaid are hereby constituted a body corporate under the name and style of the president and trustees of the village of Brownsville, and by that name they and their successors in office forever hereafter shall have perpetual succession, and shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real and personal and mixed estate, as the purposes of the said corporation may require, within or without the limits thereof.

Village boundary.

SEC. 2. That territory within the aforesaid county of Houston included within the following boundaries, shall constitute the "village of Brownsville," to wit: The south half ($\frac{1}{2}$) of section twenty-three (23), sections twenty-four (24), twenty-five (25), twenty-six (26), and the south east quarter ($\frac{1}{4}$) of the south east quarter ($\frac{1}{4}$) of section twenty-seven (27), all in township number one hundred and three (103) north, of range number four (4) west.

In whom management of said Village vested.

SEC. 3. The government of the said corporation and the exercise of its corporate powers and the management of its fiscal prudential, and municipal concerns, shall be vested in a president, recorder and three trustees, and such other officers as are hereinafter provided for.

Elective officers—when election to be held—term of office.

SEC. 4. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, two justices of the peace, one of whom shall be designated "police justice," one assessor, one constable and one marshal, which said officers shall be elected by the qualified electors of said corporation on the first Monday in April in each and every year, and shall hold their respective offices for one year and until their successors are appointed or elected and qualified, except the justices of

the peace and constable who shall severally hold their respective offices for the term of two years and until their successors are appointed or elected and qualified.

SEC. 5. Any vacancy in the office of any of the elective officers of said corporation shall be filled by appointment of the village council. All other officers provided for in this act shall be appointed by the president and trustees and shall hold their respective offices during the term for which said trustees are elected and shall be subject to removal by the president and trustees.

Vacancies, how filled.

SEC. 6. At all village elections held under this act the polls shall be opened at nine o'clock in the forenoon and continue open until five o'clock in the afternoon of the same day, and the election shall be by ballot and shall be conducted and governed in the same manner as far as may be, as general state and county elections. At least ten day's notice of the time and place of holding such elections shall be given by the recorder. *Provided*, that any failure to give the notice aforesaid, shall not in any manner invalidate an election.

When polls to be opened and closed—election how conducted.

SEC. 7. The said village of Brownsville as defined and limited by this act and the remaining portion of the township of Brownsville, outside of the said limits, shall, for general election purposes, constitute as heretofore an election district of the aforesaid county of Houston, and the general elections held therein shall be held and conducted and the returns thereof shall be made to the county auditor by the judges of election in the same manner in all respects and under the same regulations, restrictions and penalties as prescribed by the general election laws of this state. The president of the council and the police justice of said village of Brownsville, and the chairman of the board of supervisors of the said township of Brownsville, shall constitute the board of election judges of the aforesaid election district. The recorder of the village shall act as one of the clerks of election, and the town clerk of the township of Brownsville shall act as the other clerk. *Provided*, That vacancies shall be filled in the same manner as vacancies in boards of election are filled under the general laws. The above named judges of election shall, within the time prescribed by law, give notice of the place in said village of Brownsville at which any general election will be held. *Provided further*, That all general elections for said election district shall be held in the aforesaid village of Brownsville.

Election district—who to be Judges of Election.

SEC. 8. Any person entitled to vote for county and state officers and who is a resident of said village at the time such vote is offered, shall be entitled to vote at any village election for any officer to be elected under this act, and to hold any office thereby created.

Who constituted electors.

SEC. 9. The president and any two of the trustees appointed by the village council shall be judges of election in and for the said village, and the recorder, or in his absence some person to be appointed by the judges of election, shall act as one of the clerks of the said election. *Provided,* That in case of any vacancy in the board of judges or clerks of election the voters present may fill such vacancy in the same manner as prescribed by the general election laws of this state.

Who Judges of Election--vacancies how filled.

SEC. 10. All officers of said village shall enter upon the duties of their respective offices within ten (10) days after their election or appointment.

When term of office to begin.

SEC. 11. Any officer who shall remove from the said village or continue in any service, business or employment, causing a continuous absence from the village for more than four months, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the president and trustees may proceed to fill such vacancy as herein provided.

When office deemed vacant.

SEC. 12. In case such officers or any of them shall not be elected as herein provided, the corporation shall not thereby be dissolved, but special elections for the election of any or all of the elective officers named herein, may be held as herein provided, and in case there shall be no officer to give notice of either annual or special elections, then such notice may be given by any ten freehold voters of said village, as herein provided.

When special election may be held.

SEC. 13. Every officer elected or appointed under this act, before he enters upon the duties of his office and within ten days after his election or appointment, shall take and subscribe an oath faithfully to discharge the duties of his office and to support the constitution of the United States, and of this state, and the laws thereof, which oath shall be filed with the recorder.

Officers to take oath of office.

SEC. 14. The treasurer and constable, before they enter upon the duties of their offices, shall severally give bonds to the trustees in such sums with such conditions and with such sureties as said trustees or a majority of them

What officers to give bonds.

shall direct, which bonds shall be filed with the recorder; *Provided*, That immediately after the qualification of any constable the recorder shall transmit the name of such constable to the clerk of the district court of the said county.

SEC. 15. Every person elected or appointed to the office of justice of the peace or police justice of said village, shall within ten (10) days after receiving notice thereof, take and subscribe before any officer duly authorized to administer oaths, an oath to support the constitution of the United States and of the state of Minnesota, and faithfully and impartially to discharge the duties of his office, according to the best of his ability. He shall also execute a bond to the village council, with two or more sufficient sureties, to be approved by the president of the council, in the penal sum of not less than five hundred (500) dollars, nor more than one thousand dollars, conditioned for the faithful performance of his official duties. Said president shall endorse thereon his approval of the sureties named in such bond, and such justice shall immediately file the same, together with his oath of office duly certified, with the clerk of the district court of the said county of Houston, for the benefit of any person aggrieved by the acts of said justice, and any person aggrieved may maintain an action on said bond in his own name against said justice and his sureties.

Justices of the Peace to take oath and give bonds.

SEC. 16. The president and recorder shall each be *ex officio* a trustee of said village, and shall each have a vote upon all questions which shall come before the council. The president, recorder and trustee, shall constitute the council of said village, any three of whom shall form a quorum for the transaction of business pertaining to their duties. The president shall preside at all meetings of the trustees, sign all orders, commissions, licenses and permits which may be granted by the trustees. He shall maintain peace and good order and see that the ordinances of the village are observed and executed.

Who to be Trustees—who to compose Council—duties of President.

SEC. 17. The president and trustees shall prescribe the time and fix the place of their council meetings which shall at all times be open to the public, and shall determine the rules of their proceedings and keep a journal thereof, which shall be open for the inspection of every citizen at all seasonable times, and shall have power to preserve order and decorum in their proceedings, and may adopt such by-laws, rules, and regulations for their government as are not inconsistent with the provisions of this

Time and place of meeting—to keep journal of its proceedings.

act and the constitution of the United States, and of this state, and the laws thereof, and shall have power to compel the attendance of the members at council meetings.

Jurisdiction of
Police Court—
fees.

SEC. 18. There is hereby created and established a municipal court in said village to be styled "the police court," and the person elected police justice of the said village shall hold the said police court, and he shall have power to administer oaths and affirmations and to take and certify acknowledgments and proofs of the execution of deeds and other instruments of writing relating to real estate, or other matters required by law to be acknowledged or recorded, or both. As a judicial officer and court the said police court shall have and possess all the authority, jurisdiction, powers and rights of justices of the peace and justices courts in civil and criminal actions and proceedings, and shall have concurrent jurisdiction with justices of the peace and justices courts of all civil and criminal actions, and exclusive jurisdiction of all cases for the violation of any of the provisions of this act, or of any ordinance, by-law, rule, regulation or resolution of the said village council, and the said police justice shall receive the same fees as a justice of the peace receives for his services, but the village shall not be liable for his fees except such as accrue in prosecutions or actions brought in the name of the corporation for the violation of the provisions of this act, or for the violation of any of the ordinances of the said village. Appeals may be taken from the judgment of the police justice in the same manner and with the same effect as from other justices of the peace.

Duties of Mar-
shal—fees.

SEC. 19. The marshal shall possess all the powers and enjoy all the rights of a constable of this state, and be subject to the same liabilities, it shall be his duty to execute all writs and processes to him directed by the police justice or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance of said village, or by-law, rule, regulation or resolution thereof, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Minnesota, to apprehend any person in the act of committing any offence against the provisions of this act, or of the laws of this state, or of the ordinances, by-laws, rules or regulations of the village, and forthwith

to bring such person before competent authority for examination, and for such and other similar services he shall receive like fees as are allowed to constables for like services, and for other services such compensation as the village council may prescribe. It shall be the duty of the marshal to see that all peddlers, hawkers and common showmen and all other exhibitions pay their licenses according to law, and this act, and the ordinances of the village, and in default of payment to prosecute for the same in the corporate name of the village, and pay over the same to the treasurer when received by him, and also to pay over to the treasurer all sums of money collected by him under and by virtue of any of the ordinances, by-laws, rules or regulations of the village, after deducting his fees allowed by law therefrom.

SEC. 20. The treasurer of the village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances, rules, by-laws, regulations or resolutions of said village, and by-laws. All moneys raised, received, recovered and collected by means of any tax, license, fines, forfeitures or otherwise under the authority of this act or which belong to said village, shall be paid to and received by him, and shall not be drawn therefrom except by a written order signed by the president, and countersigned by the recorder, by order of the trustees, such orders shall specify the amount of money to be drawn, and its objects. *Provided*, That no order or orders shall be drawn on the treasurer unless first authorized by the affirmative vote of a majority of all the members of the village council. He shall keep a just and accurate account of all moneys and other things coming into his hands as such treasurer, in a book to be provided by the trustees for that purpose, which book shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the same sums arose, which said book at all seasonable times shall be open to the inspection of the electors of the village. He shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office he shall pay over and deliver to his successor in office, all moneys, books and vouches in his possession belonging to said village.

Duties of Treasurer.

SEC. 21. It shall be the duty of the recorder to keep

Duties of Recorder.

a record of the doings of the board of trustees, especially of the passage of by-laws, ordinances, rules, resolutions and regulations, and also a faithful record of the doing and votes of the inhabitants of the village at their annual and other legal meetings. He shall give to each person elected or appointed, notice of his election or appointment, and keep on file all papers which may be ordered filed by the trustees. The records kept by the recorder, shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer and charge him with all taxes levied and the sums of money paid into the treasury, and all receipts of the payment of money or property to the treasurer, shall be countersigned by the clerk before they shall be a legal voucher against the village. The recorder of the village of Brownsville shall perform within said village, all and singular the duties required of town clerks under the general laws of this state. The president and recorder shall have power to administer all oaths or affirmations necessary in the discharge of their duties as such officers.

By whom duties of all officers prescribed.

SEC. 22. The president and trustees shall have power at any regular or special meeting of the council, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe the duties and to fix the compensation of all officers elected, or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the term of office, and shall not be increased or diminished during the time such officer shall remain in office, *Provided*, That the compensation of the president, recorder and trustees, shall not exceed the amount fixed by this act.

Penalty for refusing to deliver books, &c., to successor in office.

SEC. 23. If any person having been an officer in said village shall not within ten days after notification and request deliver to his successor in office, all property, moneys, books, and papers, and effects of every description in his possession belonging to said village or pertaining to the office

which he may have held, he shall forfeit and pay to and for the use of the said village, one hundred dollars, besides all damages caused by his refusal or neglect so to deliver, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this state.

SEC. 24. The style of all ordinances passed by the president and trustees in council assembled, shall be—"The president and trustees of the village of Brownsville do ordain as follows:" the president and two trustees, and in the absence of the president three trustees shall constitute a quorum for the the transaction of any business, and in the absence of the president the trustees present shall appoint one of their number president *pro tem*, who shall possess all the powers of the president.

Style of all ordinances—quorum

SEC. 25. The president and trustees in council assembled, shall have the control and management of the finances and of all the property of the village, and shall likewise in addition to the general powers herein vested in them, have full power to make enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health as they shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws, and such ordinances, rules, regulations, resolutions or by-laws are hereby declared to be and have the power and force of laws. *Provided*, That they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, rule, regulation, resolution or by-laws.

Who to control finances—further powers of Council.

First—To license and regulate within the corporate limits of said village, according to law or ordinance or both, the selling, vending or dealing in any manner in vinous, spiritous, malt, fermented or intoxicating liquors or drinks. To license and regulate the exhibition of common showmen or shows of every kind, or the exhibition of any caravan, circus or theatrical or slight of hand performance. To license and regulate billiard tables, tenpin or other ball alleys. To license and regulate auctioneers and peddlers, venders of gunpowder and draymen, and to revoke

any such license. All moneys received for any such licenses shall be paid to the treasurer of said village for its use. *Provided*, That in no instance shall the sum to be paid for any such license be less than the amount fixed and provided by the laws of this state, where the same is established by law.

Second—To restrain and prohibit all description of gaming with cards, dice or other implements, devices or practices by whatever manner or style the same may be known or designated, practiced or performed, and to authorize the destruction of all instruments used for the purpose of gaming.

Third—To prevent any riots, disturbances or disorderly assemblages, and to suppress and restrain disorderly houses or groceries and houses of ill-fame.

Powers of the
Council.

Fourth—To direct the location and management of slaughter houses or unwholesome or nauseous house or place, and to prevent the erection, use and occupation of the same.

Fifth—To prevent the incumbering of the streets, sidewalks and alleys, with any materials or substances whatever, tending to impede the free use and enjoyment of the same by the public.

Sixth—To prevent horse racing, immoderate driving or riding in the streets, alleys, or public grounds, also to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

Seventh—To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same.

Eighth—To make and establish a pound and appoint a pound master, also to protect shade and ornamental trees on the streets, alleys and public grounds, and to require the owner or owners of lots or grounds to set out shade or ornamental trees in the street or streets fronting the same.

Ninth—To compel the owners or occupants of buildings to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto.

Tenth—To organize fire companies, hook and ladder companies, and to regulate their government, to provide all necessary apparatus for the extinguishment and prevention of fires, and to regulate the use thereof, and generally to establish such measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Eleventh—To restrain drunkards, immoderate drinking or obscenity in the streets or other places in said village, and to provide for the arresting, removing and punishing of any person or persons who may be guilty of the same.

Twelfth—To lease, purchase or erect any and all buildings whatsoever requisite and necessary for the use of said village as a municipal corporation.

Thirteenth—To tax every male resident of said village above the age of twenty-one, and under fifty years, two day's labor, or in lieu thereof the sum of three dollars, annually to be appropriated and applied in improving the roads, streets, alleys and public wharves and landings, under the direction of such person as the said trustees may appoint.

Fourteenth—To examine, audit and adjust the accounts of all persons with or against said village. The officers of said village shall not be entitled to any compensation for their services except as in this act provided. The president, recorder and trustees shall be entitled to receive one dollar per day while in the performance of their duties. *Provided, That neither of the said officers shall receive payment for more than twenty days service in any one year.*

Fifteenth—To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, alleys, sewers and sidewalks, and to keep and protect them from injury in said village.

Sixteenth—Upon the application of the owners of two-thirds of the lots upon any street or part of a street, or one side of any block, to levy and collect a special tax on the owners of the lots on such street or part of a street, according to their respective parts, lots or tracts, for the purpose of making a sidewalk along the same, or grading paving or otherwise improving the street along the same.

SEC. 26. Whenever the trustees shall levy any tax for the purpose of grading, paving or otherwise improving any street or part of a street, or for the building or repairing any sidewalk, or for any special purpose, they shall make out and deliver to the street commissioner such tax to be collected and expended and a list of persons and a description of the property taxed; and thereupon the street commissioner shall notify the persons named in such tax list, by posting a notice in three or more of the most public places in the said village, and shall specify in such notice a time not less than twenty days nor more than

For what purpose tax may be collected.

thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with (such) tax may, within such time and at such place as may be required by such street commissioners, pay their taxes in labor or materials. *Provided*, The labor and materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Duty of Street
Commissioner.

SEC. 27. At the expiration of thirty days from the time such street commissioners shall have received said tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit thereto attached, showing the amount of tax collected in labor and materials and the amount collected in money and the manner in which such money has been expended and the items of expenditure, also the taxes which remain unpaid and the persons and the description of the real estate and lots to which such unpaid taxes stand charged, and the recorder of said village shall, in making out the duplicate tax list of said village next thereafter enter such unpaid special taxes therein in a special column with ten per cent. added thereto, opposite to the names of the persons and descriptions of property against which the taxes so remain charged and unpaid, and such taxes shall be collected in the same manner as the general taxes of said village are collected, and when so collected shall be paid over on the order of the trustees and when not previously applied, shall be expended under their direction on the streets or sidewalks or for the purpose for which they were originally assessed.

Default of pay-
ment of fines—
how collected—
disposition of
fines collected.

SEC. 28. In all cases in relation to which by the provisions of this act, the president and trustees have power to pass or enact ordinances, rules, resolutions, by-laws or regulations in relation to any subject, they may prescribe any penalty for the violation of such ordinance, rules, regulation, by-law or resolutions, not exceeding fifty dollars for any one offense in violation or non-observance thereof, except in such cases whereby the laws of this state a penalty is fixed, then and in such case the penalty to be prescribed shall not exceed the penalty so fixed by the laws of this state, and the said trustees may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such time as they may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said village shall have

the use of the county jail in the county in which said village is situated, for the imprisonment of any person liable to be imprisoned, and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county and every execution issued upon judgments for any violation of the provisions of this act or for the violation or non-observance of any ordinance, by-law, rule, resolution or regulation of said village, shall contain a clause directing in the event of non-payment of the judgments, the imprisonment of the defendant in the said county jail for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, as in the discretion of the court in the absence of such provision by ordinance or statute. All fines penalties and forfeitures when collected shall be paid into the treasury of said village for its use.

SEC. 29. All actions brought to recover any penalty or sum of money or forfeiture under this act or the ordinances, by-laws, rules, regulations or resolutions shall be brought in the corporate name of the said village, without being required to give security for costs in any such action, and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter to declare generally, stating the clause of this act or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by the authority of the trustees, shall be prima facie evidence of the passage and publication of such ordinance, by-law, rule, regulation or resolution.

How actions to be brought—what evidence of passage of ordinances, &c.

SEC. 30. Any ordinance, by-law, rule, resolution or regulation imposing any penalty or forfeiture for the violation of its provisions shall be published one week in some newspaper in the village, before the same shall be in force, and proof of such publication by affidavit of the printer or foreman of the printer in the office of such newspaper, containing such publication, shall be conclusive evidence of the publication and promulgation of such ordinance, by-law, rule, regulation or resolution in all courts and places, and within ten days after such publication, they with said affidavit of publication shall be recorded by the recorder of said vil-

Ordinances, &c., to be published.

lage in a book to be provided for that purpose, which record shall also be conclusive evidence of such publication and passage of such ordinance, rule, regulation, by-law or resolution in all courts and places. No ordinance, rule, regulation, resolution or by-law or appropriation of money shall be passed, made, altered, amended or repealed without the affirmative vote of a majority of the council of said village in its favor, which vote shall be taken by ayes and noes and entered of record.

By-laws, &c., to be printed in paper—right of appeal—qualifications of justices, &c.

SEC. 31. All notices, ordinances, by-laws, rules, regulations, resolutions or other matters required by or under this act to be published in a newspaper, shall be published in a weekly newspaper published in said village (if there be one) and if no such paper shall be published in said village, then the same shall be published by posting up the same, either in writing or print, in three or more of the most public places in the said village. In all actions brought by or in the name of the said village or against it, the said village shall have the same right of appeal or to a writ of *certiorari* or of error, as individuals have, and in no case shall any judgment be rendered against said village for costs, but it shall be liable for costs to the same extent that the state is liable for costs in criminal actions and no more, and no person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of the said village, in any action or proceeding in which said village is a party or interested.

Jurisdiction of justices.

SEC. 32. The police justice and justice of the peace of the said village shall possess all and singular the powers, rights and authority of justices of the peace under the general laws of this state, and the police justice in addition thereto shall have exclusive jurisdiction of all actions arising under the laws, ordinances, by-laws, and police regulations or resolutions passed in pursuance of this act.

Suits brought against the village, how to proceed.

SEC. 33. When any suit or action shall be commenced against the said village, the service in such case shall be made by leaving a copy of the process duly certified to by the officer making such service, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances or resolutions of said village may be in such case provided.

Property exempt from execution.

SEC. 34. No real or personal property of the said village, or of any inhabitants of such village, or of any individual or corporation, shall be levied on and sold by vir-

tue of any execution issued to satisfy or collect any debt, obligation or contract of said village.

SEC. 35. The trustees in case of laying out or widening any street, alley or public ground, shall pay to the owner or owners of any land or lots through which any such street, alley or public ground so made, laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence thereof.

Compensation
for taking private
property.

SEC. 36. Such damages shall be ascertained by six freeholders, electors of said village, who have no title or interest in the lots or land proposed to be taken for such public use, to be summoned by the police justice upon the request of the president of said village, for that purpose as a jury, who shall determine the necessity thereof. They shall be selected by the said president, and the persons claiming damages in the same manner as jurors before justices of the peace in civil actions are selected, and after being selected and summoned as aforesaid, they shall be sworn by some person having power to administer oaths, truly to ascertain upon actual view, first, the necessity thereof, and then such damages. They shall take into consideration the benefit, if any, as well as the damages from the laying out or widening of such street, alley or public ground, to such party claiming damages, and the persons so selected, summoned and sworn, shall proceed to the discharge of their duty in the premises, and make report in writing over their several signatures, to said president, within two days thereafter, which report shall be binding upon the corporation and the party or parties claiming such damages. *Provided*, That any person feeling aggrieved by the decision of the said jury, shall have the right to appeal to the county commissioners of the county of Houston, in the same manner and under the same regulations as appeals are made in cases of town roads.

How damages
ascertained.

SEC. 37. The president and trustees shall have power, and it is hereby made their duty in each year, to levy and assess upon the taxable property in said village, such a sum of money as taxes, as shall be sufficient to pay and discharge the out standing debts of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purpose and no more. *Provided*, That such tax shall not exceed seven and a half (7½) mills on the dollar valuation in each year, unless a greater amount is first authorized by the affirma-

May levy annual
tax—for what
purpose.

tive vote of a majority of all the qualified voters of said village, at any special meeting of the said village duly called for that purpose, according to the provisions of this act when an additional tax not exceeding five (5) mills may be levied.

What property
to be taxed.

SEC. 38. All taxes raised and collected in said village for the purposes authorized by the last preceding section, shall be levied and assessed upon the same kinds of property real and personal, within the corporate limits of said village, as taxes for town, county and state purposes are levied and assessed; *Provided*, That in no instance shall any property real or personal within the corporate limits of said village be taxed for town purposes in any town in the county where said village is situated.

When to levy
and collect tax
for current ex-
penses.

SEC. 39. The president and trustees of the said village shall on or before the first Monday of May in each year by resolution to be entered on the records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporation limits of the said village for the current year, and thereupon and on or before the third Monday of the same month in each year, the recorder of said village shall make out upon the assessment roll of said village in columns left for that purpose, a complete statement of the several taxes levied for corporation purposes, and all delinquent and special taxes levied and assessed under any of the provisions of this act, in such separate columns as may be necessary with the total footings carried out opposite each tract or lot of land, or person named therein, which statement shall be called the "tax list," of the village of Brownsville, and shall have the same legal force and effect as the records of the village council.

When duplicate
delivered to
Treasurer for
collection.

SEC. 40. Immediately after making out the tax list as aforesaid, the recorder shall make out a duplicate thereof and an order approving the same shall be entered in the proceedings of the village council, and a certified copy of such order shall be appended to such duplicate tax list, signed by the president and recorder, and sealed with the corporate seal of said village, and thereafter and on or before the first day of July, of the same year the recorder of said village shall deliver said duplicate tax list to the treasurer of said village for collection.

SEC. 41. The treasurer of said village upon receipt of such duplicate tax list, shall proceed to collect the taxes therein specified in like manner, and shall have like powers

and be subject to like requirements, liabilities, and restrictions as county treasurers in this state except as otherwise provided in this act, and except further that on or before the fifteenth day of October, in each year, the said village treasurer shall make out and return to the treasurer of the county of Houston, a list of all lands and lots upon which the said taxes have not been paid. And it is hereby made the duty of the said county treasurer or other legally authorized officer to proceed and collect said delinquent taxes so returned, in the manner provided by law for the collection of delinquent taxes upon real estate in this state and to add to such delinquent returns the same interest, penalties, or fees as are now or may hereafter be allowed or required by the laws of this state upon delinquent taxes, upon real estate levied and assessed for town, county and state purposes, and from time to time, upon demand of the said village treasurer to pay over to said village treasurer any and all sums of money collected upon said delinquent list or lists, for the use of the said village, and any officer or other person who shall neglect, or refuse, on demand of the said village treasurer to pay over any such corporation taxes collected or received by him in any manner, to such village treasurer shall be liable to an action therefor, with twenty-five per cent. damages added thereto, to be sued for and recovered in the corporate name of the said village, both against such defaulting officer and his sureties, or other persons.

Who to collect tax—when to make return to Treasurer—who to collect delinquent tax.

SEC. 42. The assessor of said village shall make out a complete and accurate assessment roll of the taxable property real and personal within the corporate limits of said village and shall affix the value opposite to each lot or parcel of land, and opposite to the name of each person or body politic shall affix the value of personal property assessed to each, and so far as the same are not inconsistent with the provisions of this act shall be governed in his powers, requirements, liabilities, and restrictions as town assessors are governed by the laws of this state. The assessment roll shall be certified to by said village assessor and by him returned to the recorder of said village who shall thereupon lay the same before the president and trustees in council assembled who shall make such alterations or revisions therein as justice or equity may require. *Provided*, That the said village assessor shall annually perform all and singular, the duties required of township assessors in the assessment of the real and personal prop-

Duties of Assessor.

erty within the said village of Brownsville for state, school, and county purposes, and the said assessor shall be subject to the same rules and regulations, liabilities, and restrictions as are required of township assessors under the general laws of this state, and the returns of such assessments shall be made to the county auditor of the said county of Houston.

No laws to be considered as repealing the same unless expressly set forth in such law.

SEC. 43. No general law contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the recorder of said village, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and to file the same in the office of the clerk of district court of the county in which said village is situate, and it is hereby made the duty of the clerk of said court, to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace and other town officers.

When general election to be held.

SEC. 44. All general elections for corporation officers shall be held at the time provided for in the fourth section of this act. *Provided*, This act shall take effect on or previous to that day, and the official publication of this act shall be sufficient notice of the first election under this act, and in case this act shall not take effect on or before the time provided in the fourth section hereof, then such first election may be ordered and appointed by any ten freehold voters as provided in section five of this act.

Said village constituted a school district.

SEC. 45. The village of Brownsville, in the county of Houston, shall constitute one school district under the general school laws of this state, except as far as they are modified in their application to said district by this act, and said school district shall be known under the name and style of "The School District of the village of Brownsville," and hereafter all schools organized therein in pursuance of this act, shall be under the control and direction of a board of education, and be free to all persons between the ages of five and twenty-one years, residing in said village.

How Board of Education elected.

SEC. 46. At the next annual village election in said village, and annually thereafter, there shall be elected from among the qualified voters thereof five persons, who, being duly elected and qualified, shall constitute a board of education for said district.

SEC. 47. For the purpose of carrying out the provisions of this act, in regard to the said school district the

board of education herein provided for, shall within five (5) days after their election, take, subscribe and file with the recorder of the village, an oath to support the constitution of the United States, and of this state, and faithfully discharge the duties of their respective offices, as members of the board of education.

To take oath—
when.

SEC. 48. The board of education shall possess all the powers of trustees in school districts, under the general laws of this state, and in addition thereto, such powers as are conferred upon them by this act.

Powers and duties of said Board.

SEC. 49. The board of education shall have full control of all the public schools of said district, and shall have power to direct where pupils shall attend school, and may grade said schools and make and enforce any reasonable rules or regulations pertaining to the management and government of such schools.

To have control of all the public schools.

SEC. 50. Within five (5) days after each annual election in said village, which shall be the annual election in said district, said board of education shall meet at the school room of the principal school in said district, and after being duly qualified, shall proceed to elect one of their number president, and one clerk. The president shall preside at all meetings of the board when present, shall sign all orders drawn on the treasurer for moneys voted to be paid by said board. A majority of said board shall constitute a quorum for the transaction of business, but no moneys voted shall be legal unless sustained by a majority of all the board elected.

Quorum—when to elect officers.

SEC. 51. The clerk mentioned in section fifty (50) shall act as clerk of the district, as all district clerks are now required by law, and perform the duties required of clerks under the general school laws of this state, and make all necessary returns to entitle said district to the benefits of the appropriation of the common school fund, also draw and attest all orders on the treasurer for money voted by said board, and keep all district accounts as directed by law.

Who to be Clerk of Board.

SEC. 52. The treasurer of the village shall be the treasurer of the district, and shall receive, from time to time, all moneys from the county treasurer or any other person, belonging to said district, and shall keep a separate account with said district from the village, and the same shall be open for the inspection of any citizen of said district at all reasonable hours. He shall pay all orders on the district treasurer signed by the president and attested

Who Treasurer of Board.

by the clerk, if there is sufficient funds in his hands belonging to said district so to do, and enter the amount of such orders and the name of the payee in a book for that purpose. In his annual report to the village council he shall account in detail for all moneys belonging to said district received and paid out by him since the last annual report.

How money can be drawn from the Treasurer.

SEC. 53. No money shall be drawn from the treasurer of said district except upon an order signed by the president of the board, and attested by the clerk, stating for what purpose they were drawn, and the records of the district shall be so kept as to show the names of each member of the board of education voting for any appropriation.

Special school taxes may be levied.

SEC. 54. Special school taxes may be levied in said school district in the same manner and under the same restrictions as special school taxes are levied in other districts under the general laws of this state.

Repeal of inconsistent acts.

SEC. 55. All acts and parts of acts in the general school laws conflicting with the provisions of this act, are hereby repealed, so far as they relate to the school district hereinbefore named.

To be deemed a public act—when act to take effect.

SEC. 56. This act shall be considered a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication, and all acts and parts of acts contravening the provisions of this act, are hereby (for the purposes of this act only,) repealed.

Approved March 2, 1868.